living American to make law a philosophy of life, and the school is fortunate in possessing him at what is clearly destined to be a critical epoch in its fortunes. A stranger may be permitted the remark that the supremacy of Harvard among schools of law will in large part depend upon the support given to him by the alumni.

In the next edition it is greatly to be hoped that the portraits of Professors Hill and Frankfurter will be exchanged for something more nearly human. At present they are two distinct crimes.

H. J. L.

SELECT CASES ON TRUSTS. By Austin Wakeman Scott, Professor of Law in Harvard University. pp. i–xiii, 1–842.

In 1882 Professor James Barr Ames of Harvard Law School published the first edition of his Cases on Trusts. This was followed in 1893 by a second edition, which has become the standard case-book on the subject in practically all American law schools. The annotations in the second edition, and Professor Ames' theory of selection and arrangement of the cases, were an important contribution to legal scholarship; the annotations, supplemented by Professor Ames' published articles on the law of trusts, have influenced legal thought on this subject in the United States more profoundly than probably any other published discussion of it. There were, however, gaps in Professor Ames' case-book which, with the shifting emphasis on various phases of the subject, made its use as a textbook in law schools increasingly difficult. Especially inconvenient was the omission of cases dealing with the resulting and constructive trusts and charitable trusts. In order to fill these gaps and to present more adequately the development of the subject during the past twenty-five years Professor Scott has prepared the present volume. In performing this difficult task he has had the advantage of the free use of Professor Ames' notes in both published and manuscript form. He has made a painstaking search and selection of the more modern authorities and has added many valuable notes to those prepared by Professor Ames which for the most part have been retained. The practical result is that Professor Ames' case-book has been brought down to date, its most conspicuous omissions corrected, and it has been expanded from a volume of five hundred and twenty-seven to one of eight hundred and thirty-six pages. The new case-book is well indexed; it contains a table of cases, a table of statutes, a bibliography, and a chronological list of Lord Chancellors and Lord Keepers. The most notable additions are the cases on resulting and constructive trusts and on charitable trusts previously published in pamphlet form by Professor Scott. The cases on these subjects furnish two hundred and thirty-two additional pages. There is a new chapter on "The Termination of Trusts"; there is a very necessary addition of a number of important cases on "Who are Purchasers for Value"; there are added sections on "A Trust Distinguished from a Use," "A Trust Obligation Distinguished from Liability for a Tort," "A Trust Distinguished from a Condition," "A Trust Distinguished from a Mortgage or Pledge," — all subjects which, in the interest of economy of time, most instructors will be inclined to treat without any extensive reading of cases.

The book in many respects is an improvement on Professor Ames' collection, prepared with a diligence and scholarly thoroughness for which Professor Scott is entitled to the commendation and hearty appreciation of teachers of this subject in American law schools. It was no light task to improve Professor Ames' case-book, even with the foundation which he laid and the aid of his notes and unpublished material. One would therefore offer any criticisms of Professor Scott's case-book with some hesitation without having first subjected it to the actual test of class-room use. There is, however, one feature of

its structure and arrangement about which there may be some difference of opinion, and this is the absence from the first part of the book of adequate material for the study of the distinction between the common-law fiduciary obligation and the strict trust, by the aid of which the student may trace historically the difference in origin of these two classes of obligations. One of the most puzzling experiences of the student in taking up the study of trusts is, that although he is taught that the trust is a creation of equity and is enforceable only by courts of equity, he finds a large class of fiduciary obligations to which the substantive law of trusts is applied but for which an action at law is the normal remedy. He finds in many such cases that the plaintiff not only has a legal action against the fiduciary but that he may proceed at law on claims owed by third persons to the fiduciary, whereas in the case of the strict trustee his remedy is exclusively in equity against the trustee. It is believed the student can grasp the significance of these peculiarities and understand adequately the relation of the fiduciary obligation or "common-law trust" to true trusts only by studying, early in the course, the scope of the common-law action of account and of debt and *indebitatus assumpsit* as successors to the action of account; the extension of the jurisdiction in equity over the fiduciary relation in bills for an accounting, and finally the use of trover, especially in actions against stock-brokers and agents to collect negotiable paper, as a substitute for a bill in equity. Professor Ames collected much valuable material dealing with this phase of the subject which he placed at the very beginning of his case-book. Professor Scott has compressed this material into two pages and it appears on pages 571 and 572 of his case-book. Many teachers of the subject who regard it as desirable to study the "common-law trust" in comparison with the equity trust, with reference to the procedural differences which have survived to the present day, will regret that this part of Professor Ames' case-book has not been expanded instead of contracted. This phase of the law has an important bearing on much of the litigation which arises out of banking and stock-brokerage transactions and the business conducted by consignees of merchandise and factors generally.

There are some other subjects which are usually taken up in class-room work, that have been omitted, such as the troublesome question (in some jurisdictions) of the trustee's power to delegate trust duties and the liability of one trustee for the default of his co-trustee. Some of the material in Professor Ames' collection which is of historical interest but of little practical value in modern law is also omitted. But when a case-book extends beyond eight hundred pages one cannot urge the treatment of additional subjects. It is inevitable that some selection should be made, and with the possible exception of the treatment of the law relating to common-law fiduciaries, the choice has been made judiciously and skillfully. Without attempting to refer in detail to the many valuable notes which Professor Scott has compiled, especial attention should be directed to the notes on the liability of trustees to third persons, on the distinction between latent and patent equities; to his notes on purchase for value, the statute of frauds, and the liability of agent and subagent banks receiving commercial paper for collection. They represent unusually thorough and patient research and contain much material which it would be difficult to find elsewhere.

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AUTHORITY IN THE MODERN STATE. By Harold J. Laski. New Haven: Yale University Press. 1919. $3.00.

Fifteen years ago in the political science courses we were handed out the hard and fast propositions that the state was sovereign, and somewhere in